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2                   UNITED STATES DISTRICT COURT  
3                   NORTHERN DISTRICT OF CALIFORNIA  
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5                   SYNTek CAPITAL GmBH,  
6                   Plaintiff(s),  
7                   v.  
8                   MARINER SYSTEMS, INC., aka MARSYS,  
9                   Defendant(s).  
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No. C 11-05063 PJH

**ORDER OF DISMISSAL**

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The parties hereto, by their counsel, having advised the court that they have agreed to a settlement of this case and having stipulated to a dismissal, IT IS HEREBY ORDERED that this case is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within ninety one (91) days, that the agreed consideration for said settlement has not been delivered over or that a bankruptcy petition has been filed by or on behalf of defendant prior to that date, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

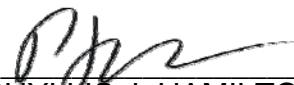
If no certification is filed, after passage of ninety one (91) days, the dismissal shall be **with** prejudice.

Any bond or undertaking provided by plaintiff is hereby exonerated and the Clerk of the Court is directed to refund to Syntek, care of its counsel (Robert E. White), any monies paid into court in connection with such bond or undertaking other than any authorized maintenance fees.

The court shall retain jurisdiction to enforce the terms and provisions of the parties' settlement.

IT IS SO ORDERED.

Dated: April 19, 2012

  
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28                  PHYLLIS J. HAMILTON  
                     United States District Judge